

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States of America

v.

Joshua Erving YATES

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 13, 2022 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324

Offense Description

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet.

/S/Rebekah De La Rosa

Complainant's signature

Rebekah De La Rosa, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence,

Date: December 15, 2022

Judge's signature

City and state: Laredo, Texas

Christopher dos Santos, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT
In support of Criminal Complaint

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Joshua Erving YATES

Case Number:

On December 13, 2022, United States (U.S.) Border Patrol Agents (BPAs) were working their assigned duties at the United States Border Patrol Checkpoint, located at mile-marker 29 on U.S. Interstate 35 (I-35) near Laredo, Texas in Webb County. At approximately 8:55 p.m., a tractor-trailer approached the primary lane for an immigration inspection.

Upon the vehicle arriving at the primary lane, the BPA greeted the driver, Joshua Erving YATES and a front seat passenger. The BPA asked YATES what he was hauling, and he replied, "Auto parts". The BPA asked YATES if he would be willing to drive through a non-intrusive vehicle scan utilizing an X-ray Medium Light (XML) machine and he replied "sure". The BPA asked both passengers for their citizenship and they responded "U.S.". During the scan there was an anomaly consistent with the outline of human bodies within the tractor in the sleeper portion of the cab. BPA 2 asked the front seat passenger how many occupants were in the tractor, and he replied "Two". BPA 2 entered the tractor and found two subjects hiding under blankets on the top bed and one female concealed by blankets behind the driver. YATES and the front seat passenger were handcuffed and escorted into the checkpoint. An immigration inspection was performed on the three subjects found hiding under blankets and they all admitted to being in the U.S. illegally. The three subjects were arrested and escorted into the checkpoint for further processing.

Joshua Erving YATES was read his Miranda Rights, and he acknowledged by signing Service Form I-214. YATES agreed to provide a statement without a lawyer present. YATES stated a man offered him a job and he assumed the job was related with trucking since he asked for his driver's license. YATES stated the man threatened him in order to pick up and transport some people to San Antonio, Texas. YATES stated he had knowledge that the people were illegal.

Jeniffer SANCHEZ-Osorio, a national of Mexico, is serving as a material witness in the case. SANCHEZ-Osorio stated she made an illegal entry into the U.S. by crossing the Rio Grande River on December 13, 2022. SANCHEZ-Osorio stated her family made the arrangements for her to be crossed into the United States and paid an unknown amount. After crossing the river, she was picked up and taken to a house. SANCHEZ-Osorio stated she was then picked up by a white truck and taken to a truck stop. SANCHEZ-Osorio stated she was instructed to get in a tractor trailer, and she did not speak to the driver, YATES. SANCHEZ-Osorio was able to positively identify Joshua Erving YATES, as the driver via a six-person photo lineup.

SUBSCRIBED and SWORN to before me on

15th day of December, 2022

Signature of Judicial Officer

/S/ De La Rosa, Rebekah Border Patrol Agent
Signature of Complainant